

Mayor Ernie Wentrcek
Mayor Pro Tem Paul Madison

Councilmembers
Russell Bradley
Mark Conlee
Ben Hardeman
Joe Marín
Boyd Sheffield

AGENDA

**BRYAN CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 28, 2004 - 3:15 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

- 1. CALL TO ORDER (Room 305)**
- 2. EXECUTIVE SESSION** - The City Council has determined a necessity to go into a closed to the public session under the provisions of Section 551, Texas Government Code, and the following topics may be discussed: under the authority of Section 551.071, consultation with attorney - seek advice of legal counsel regarding the performance of contractual obligations for the Traditions project and pending litigation related thereto; under the authority of Section 551.072, deliberation regarding real property - possible acquisition of property for Justice Center; and under the authority of Section 551.074, personnel matters – annual performance review of Council appointees and discussion of appointment of BTU Board Chair.
- 3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION, IF NECESSARY (COUNCIL CHAMBERS)**
- 4. INVOCATION (Approximately 6:00 p.m. – Minister Ron Runyon, Central Christian Church) AND PLEDGE OF ALLEGIANCE**
- 5. PROCLAMATIONS AND PRESENTATIONS**
 - Recognition of Boy Scout Troop 743
 - Domestic Violence Awareness Month
 - National League of Cities' American Dream Campaign
- 6. HEAR CITIZENS**
- 7. DRAINAGE SERVICES FEE**
 - a. Public Hearing – [Drainage Services Fee](#) – Barbara Bayer**

Receive public comment regarding a request to amend the drainage utility fee from \$2.75 per month for residential and commercial City of Bryan solid waste customers to a rate of \$2.40 per

month for each solid waste residential customer serviced by the City of Bryan solid waste system and \$8.40 per month for each solid waste commercial customer serviced by the City of Bryan solid waste system.

b. Resolution – [Drainage Services Fee](#) – Barbara Bayer

Adoption of a resolution of the City Council of the City of Bryan, Texas, establishing an amended drainage utility fee at the rate of \$2.40 per month for each solid waste residential customer serviced by the City of Bryan solid waste system and \$8.40 per month for each solid waste commercial customer serviced by the City of Bryan solid waste system.

8. TRANSPORTATION USER FEE

a. Public Hearing – [Transportation User Fee](#) – Barbara Bayer

Receive public comment regarding a request to amend the transportation user fee from \$3.75 per month for residential and commercial City of Bryan solid waste customers to a rate of \$7.60 per month for each solid waste residential customer serviced by the City of Bryan solid waste system and \$26.60 per month for each solid waste commercial customer serviced by the City of Bryan solid waste system.

b. Resolution – [Transportation User Fee](#) – Barbara Bayer

Adoption of a resolution establishing an amended transportation user fee at the rate of \$7.60 per month for each solid waste residential customer serviced by the City of Bryan solid waste system and \$26.60 per month for each solid waste commercial customer serviced by the City of Bryan solid waste system.

9. REZONING REQUEST (RZ 04-06)

a. Public Hearing – [Rezoning Request \(RZ 04-06\)](#) – Beth Wilson

Receive public comment regarding a request to amend Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of 'SF-5' Single Family 5000 to 'R' Retail for approximately 6.1695 acres on the southern side of Boonville Road, just east of the Wildflower intersection, situated in the John Austin League, Block 18, Lots 14, 14.1, and 14.2, Bryan, Brazos County, Texas.

b. First Reading of an Ordinance – [Rezoning Request \(RZ 04-06\)](#) – Beth Wilson

First reading of an ordinance of the City of Bryan, Texas, amending Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of 'SF-5' Single Family 5000 to 'R' Retail for approximately 6.1695 acres on the southern side of Boonville Road, just east of the Wildflower intersection, situated in the John Austin League, Block 18, Lots 14, 14.1, and 14.2, Bryan, Brazos County, Texas.

10. REZONING REQUEST (RZ 04-12)

a. Public Hearing – [Rezoning Request \(RZ 04-12\)](#) – Beth Wilson

Receive public comment regarding a request to amend Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of ‘SF-5’ Single Family 5000 to ‘R’ Retail for approximately 5.0894 acres on the southern side of Boonville Road, 370 feet west of the Briarcrest Drive intersection, situated in the John Austin League, Block 18, Lots 18-22, Bryan, Brazos County, Texas.

b. First Reading of an Ordinance – [Rezoning Request \(RZ 04-12\)](#) – Beth Wilson

First reading of an ordinance of the City of Bryan, Texas, amending Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of ‘SF-5’ Single Family 5000 to ‘R’ Retail for approximately 5.0894 acres on the southern side of Boonville Road, 370 feet west of the Briarcrest Drive intersection, situated in the John Austin League, Block 18, Lots 18-22, Bryan, Brazos County, Texas.

11. CONSENT (AUTOMATIC APPROVAL) AGENDA

This agenda consists of ministerial or “housekeeping” items required by law. Items may be removed from the consent agenda by majority vote of the Council.

a. Approval of [Minutes](#) – Workshop and Regular meetings of September 14, 2004.

b. Consideration – [Uncollectible Ambulance Accounts](#) – Kathy Davidson

Consider approving the write-off of uncollectible ambulance accounts receivable in the amount of \$474,586. ([Analysis](#))

c. Consideration – [Annual Renewal of Property Insurance and Boiler Machinery Insurance](#) – Cindy Kirk

Consider approving the first extension of property insurance from Texas Municipal League Intergovernmental Risk Pool and boiler-machinery insurance from McGriff, Seibels & Williams of Texas beginning on October 1, 2004, and ending September 30, 2005. The Fiscal Year 2005 property renewal premium is \$116,714 which is an increase of 2.8% from the original Fiscal Year 2004 premium. The Fiscal Year 2005 boiler-machinery renewal premium is \$284,065, which is an increase of 10.4% from the original Fiscal Year 2004 premium. Source of Funds: Fiscal Year 2005 Budget, divided among all funds, all departments and BTU.

d. Consideration – [Excess Liability and Workers’ Compensation Insurance](#) – Cindy Kirk

Consider approving the fourth extension of City of Bryan’s excess liability and workers’ compensation insurance for Fiscal Year 2004-2005 with McGriff, Seibels & Williams of Texas, with the renewal premium in the amount of \$163,000 which is a 3.5% increase from the Fiscal Year 2004 premium. Source of Funds: Fiscal Year 2005 Budget, Self-Insurance Fund.

- e. **Consideration – [Workers' Compensation and Liability Third Party Claims Administration Services](#) – Cindy Kirk**

Consider approving the second extension of third party claims administration services from AS&G for the period beginning October 1, 2004, at a flat fee of \$52,000, which is a 2% increase from the current flat fee of \$51,000. Source of Funds: Fiscal Year 2005 Budget, Self-Insurance Fund. ([Renewal Letter](#))

- f. **Consideration – [Automated Timekeeping System Purchase](#) – Kathy Davidson**

Consider approving the purchase of an automated timekeeping system for the total purchase price in the amount of \$214,391 through the Texas Local Government Purchasing Cooperative. Source of Funds: \$140,844.91 – Fiscal Year 2004 General Fund Fiscal Services, \$5,702.40 – Facilities Fiscal Year 2004 Budget, \$5,702.40 – Parks and Recreation Fiscal Year 2004 Budget, \$5,702.40 – Police Department Fiscal Year 2004 Budget, \$2,851.20 – Transportation Fiscal Year 2004 Budget, \$17,792.09 – Water Department Fiscal Year 2004 Budget, \$16,018.84 – Waste Water Fiscal Year 2004 Budget, \$17,963.31 Solid Waste Fiscal Year 2004 Budget, \$1,813.45 – Risk Department Fiscal Year 2004 Budget. ([Contract](#))

- g. **Consideration – [Annual Contract for Library Books and Related Material](#) – Clara Mounce**

Consider award of an annual contract with Baker & Taylor in the amount of \$125,000 for library books and related materials for the Bryan/College Station Public Library System. Source of Funds: General Fund – Library Department.

- h. **Consideration – [Repair Contract for Scarab at Bryan Compost Facility](#) – Mark Jurica**

Consider approving a contract with McCourt & Sons in the amount of \$63,600 for the repairs to improve the operator safety and mechanical performance of the Scarab giant roto-tiller unit operated by the Bryan Compost Facility. Source of Funds: Environmental Services. ([Quote](#))

- i. **Consideration – [Repair of Pump No. 9 High Service Pump Station](#) – Lawrence Carter**

Consider approving an emergency purchase for the repair of Pump No. 9 High Service Pump Station in the amount of \$32,900 for services rendered by Evans Enterprises, Inc., of Waco, Texas.

- j. **Consideration – [Artwork for Downtown Bryan](#) – Mary Kaye Moore**

Consider approving the commissioning of a piece of artwork (Bryan Bomber) for downtown Bryan in the amount of \$40,000 depicting a baseball player with two children. Source of Funds: Fiscal Year 2004 Hotel/Motel Fund.

- k. **Resolution – [City of Bryan Investment Policy](#) – Kathy Davidson**

Adoption of a resolution of the City Council of the City of Bryan, Texas, adopting an investment policy for the City of Bryan, Texas.

l. Resolution – [The Organization of Tiffany Park Homeowners, Inc. – Neighborhood Improvement Grant](#) – Ronnie Jackson

Adoption of a resolution of the City Council of the City of Bryan, Texas, approving a neighborhood improvement grant application in an amount not to exceed \$5,000, submitted by The Organization of Tiffany Park Homeowners, Inc., to assist in a neighborhood improvement project to enhance the landscape beautification of the Tiffany Park area, increase the integrity of the neighborhood and enhance the preservation of property values. Source of Funds: Neighborhood Improvement Matching Grant/Council Contingency.

m. Second and Final Reading of an Ordinance – [Fiscal Year 2005 Budget Appropriations](#) – Kathy Davidson

Second and final reading of an ordinance of the City of Bryan, Texas, making appropriations for the support, maintenance, buildings and improvements for the City of Bryan for the Fiscal Year beginning October 1, 2004, and ending September 30, 2005, both dates inclusive, adopting the budget figures and accounts as part of said appropriations in the combined total of \$228,143,546; authorizing the City Manager to make certain transfers of funds.

n. Second and Final Reading of an Ordinance – [Amending Officer and Employee Liability Plan](#) – Mary Kaye Moore

Second and final reading of an ordinance of the City of Bryan, Texas, amending Section 2-527(A) and (B) of the Bryan City Code to provide coverage for the Directors of the Board of the Bryan Business Council, Inc., and the Executive Director thereof under the City of Bryan officer and employee liability plan.

o. Second and Final Reading of an Ordinance – [Tax Rate](#) – Kathy Davidson

Second and final reading of an ordinance of the City of Bryan, Texas, fixing the tax levy of the City of Bryan, Texas, for taxable year 2004, at \$.6364 per \$100 of assessed valuation.

p. Second and Final Reading of an Ordinance – [Rezoning Request \(RZ 04-07\)](#) – Beth Wilson

Second and final reading of an ordinance of the City of Bryan, Texas, amending Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of 'SC-R' South College – Residential to 'SC-B' South College – Business for approximately 9.38 acres located on South College Avenue between Carson and Williamson Streets, being Lots 10-24 of the C.M. Evans Subdivision, Bryan, Brazos County, Texas.

q. Second and Final Reading of an Ordinance – [Rezoning Request \(RZ 04-08\)](#) – Beth Wilson

Second and final reading of an ordinance of the City of Bryan, Texas, amending Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of 'SF-5' Single Family 5000 to 'MU-1' Mixed Use Residential located on Rabbit Lane, adjacent to the Bryan city limits for approximately 2.1 acres of a part of Lot 5 of the Fox Meadows Subdivision, Bryan, Brazos County, Texas.

r. Second and Final Reading of an Ordinance – [Rezoning Request \(RZ 04-09\)](#) – Beth Wilson

Second and final reading of an ordinance of the City of Bryan, Texas, amending Comprehensive Zoning Ordinance No. 756, as amended, of the City of Bryan, Texas, changing the zoning classification of 'A-O' Agricultural-Open to 'R' Retail for approximately 3.594 acres located along FM 158, 1,500 feet west of the Briarcrest Drive intersection, situated in the John Austin League No. 8, Abstract No. 2, Bryan, Brazos County, Texas.

12. STATUTORY AGENDA

This agenda consists of items previously approved by Council action, such as adoption of items that are part of an approved budget or capital improvements project, first readings of ordinances, or action which is required by law or delegated to the City Manager. Items may be removed from the statutory agenda at the request of two Councilmembers.

a. Resolution – [Approving the 9-1-1 Budget](#) – Mary Lynne Stratta

Adoption of a resolution approving the budget of the Brazos County Emergency Communications District; and authorizing the Mayor to sign the annual funding/service agreement with the District. Source of Funds: Fiscal Year 2005 Police Department Budget – 75% and Fire Department Budget – 25%. ([9-1-1 Budget Summary](#))

b. Resolution – [Residential and Commercial Water and Wastewater Rates](#) – Lawrence Carter

Adoption of a resolution repealing Resolution No. 2897; establishing the rates for residential and commercial water and wastewater services to become effective with the first billing cycle after October 1, 2004. The rates reflect a six percent increase in water rates and a five percent increase in wastewater rates.

c. Resolution – [Solid Waste Rates](#) – Kelly Wellman

Adoption of a resolution repealing and replacing Resolution No. 2904; establishing rates for residential and commercial garbage and trash collections, special garbage and trash pickups and medical waste collections to become effective with the first billing cycle of October 1, 2004. Both residential and commercial rates reflect a five percent increase.

d. First Reading of an Ordinance – [Police and Fire Departments Classification](#) – Melanie Caballero

First reading of an ordinance of the City of Bryan, Texas, establishing classifications and number of positions for the Fire and Police Departments pursuant to Chapter 143 of the Texas Local Government Code; repealing Ordinance No. 1486, adopted by the City Council pertaining to classifications and positions in the Fire and Police Departments.

13. REGULAR AGENDA

This portion of the agenda consists of items requiring individual consideration by the Council.

a. Consideration – [Anderson-Schaeffer III, Ltd., Downtown Improvements Grant Request](#) – Beth Wilson

Consider approving a grant request from Anderson-Schaeffer III, Ltd., for façade improvements for the Howell Building located at 200 South Main in the amount of \$100,000 to be paid from the

Fiscal Year 2004 Downtown Improvements Program funding. Source of Funds: Fiscal Year 2004 Downtown Façade Improvements Grant Program.

b. Consideration – Downtown Improvements Program Revisions – Beth Wilson

Consider extending the eligible area so that properties around the core of downtown may experience the same revitalization as the existing eligible areas. Staff recommends the following areas be added to the Downtown Improvements Program eligible area:

- Properties recently rezoned ‘O’ Office and ‘DT-N’ Downtown North along North Washington Avenue from FM 158 to Martin Luther King. This area contains several large residential and commercial structures that could be renovated for office use.
- The block on Martin Luther King that terminates both Main Street and Bryan Avenue, zoned ‘DT-N’ Downtown North. This block contains the old ice house, which is both architecturally and culturally significant.
- Three and a half blocks west of the current eligible area between West 24th and West 27th Streets, which were recently rezoned as ‘DT-N’ Downtown North and ‘DT-S’ Downtown South.
- The area adjacent to the western edge of the eligible area bounded by Sims and 29th Street and the railroad track. The properties were rezoned ‘O’ Office and have a number of structures that could be renovated for office use.

c. Consideration – Bryan Business Council Compensation Package – Mary Kaye Moore

Consider setting aside general fund dollars in the amount of \$110,000 contingent upon approval of a contract for services with the Bryan Business Council for an Interim Executive Director compensation package to be brought to the City Council for separate consideration. Source of Funds: Fiscal Year 2005 General Fund Budget.

d. Consideration – Termination of the Traditions Golf Course Multi-Party Agreement – John Blackburn

Consider authorizing the Mayor to execute a document terminating the Traditions Golf Course Multi-Party Agreement on behalf of the City of Bryan.

e. Consideration – Partial Release of the Traditions Club Facilities Multi-Party Agreement – John Blackburn

Consider authorizing the Mayor to execute a Partial Release of the Traditions Club Facilities Multi-Party Agreement on behalf of the City of Bryan to accommodate the transfer of .459 acre of land from Traditions Club by Melrose, LLC (Tract 1, Volume 5163, Page 1) to be used as residential development property in Phase VIII (Parcel 5).

f. Resolution – Authorization to Execute Closing Documents for Traditions Project – John Blackburn

Adoption of a resolution of the City Council of the City of Bryan, Texas, authorizing the Mayor to execute closing documents on behalf of the City as necessary to transfer parcels of property from Bryan Commerce and Development, Inc., to Bryan/Traditions L.P., for development into subdivided residential building lots at the Traditions Project.

g. Resolution – Designation for Capital Improvements Funds – Kathy Davidson

Adoption of the resolution of the City Council of the City of Bryan, Texas, designating funds in the amount of \$3,683,402 for capital improvements. In June, 1999, the City of Bryan pledged \$4,000,000 as collateral for the loan entered into by The Research Valley Partnership and Bank of America, N.A., to finance the construction of the Decision One Building. In July, 2004, Bank of America, N.A., agreed to take a first lien position on the building and a pledge of City funds in the amount of 10% of the RVP loan principal balance (\$316,598) in lieu of the \$4,000,000 pledge. Staff is requesting this amount to be designated to fund capital improvements to be identified in the future. Source of Funds: General Fund.

h. Resolution – Designating Excess General Fund Balance – Kathy Davidson

Adoption of a resolution of the City Council of the City of Bryan, Texas, designating excess general fund balance in an amount of \$1,611,039 for capital improvements. Source of Funds: General Fund.

i. First Reading of an Ordinance – 16th Street Railroad Crossing Closure – Linda Huff

First reading of an ordinance of the City of Bryan, Texas, prohibiting motor vehicle traffic from crossing the Union Pacific Railroad tracks on 16th Street; providing for a penalty; and providing for publication. ([Plan A](#)) ([Plan B](#))

j. First Reading of an Ordinance – 20th Street Railroad Crossing Closure – Linda Huff

First reading of an ordinance of the City of Bryan, Texas, prohibiting motor vehicle traffic from crossing the Union Pacific Railroad tracks on 20th Street; providing for a penalty; and providing for publication. ([Plan A](#)) ([Plan B](#))

k. First Reading of an Ordinance – 21st Street Railroad Crossing Closure – Linda Huff

First reading of an ordinance of the City of Bryan, Texas, prohibiting motor vehicle traffic from crossing the Union Pacific Railroad tracks on 21st Street; providing for a penalty; and providing for publication. ([Plan A](#)) ([Plan B](#))

l. First Reading of an Ordinance – 32nd Street Railroad Crossing Closure (East of Main Street) – Linda Huff

First reading of an ordinance of the City of Bryan, Texas, prohibiting motor vehicle traffic from crossing the Union Pacific Railroad tracks on 32nd Street, east of Main Street; providing for a penalty; and providing for publication. ([Plan A](#)) ([Plan B](#))

m. First Reading of an Ordinance - 32nd Street Railroad Crossing Closure (West of Main Street) – Linda Huff

First reading of an ordinance of the City of Bryan, Texas, prohibiting motor vehicle traffic from crossing the Union Pacific Railroad tracks on 32nd Street, west of Main; providing for a penalty; and providing for publication. ([Plan A](#)) ([Plan B](#))

n. First Reading of an Ordinance – [Pease Street Railroad Crossing Closure](#) – Linda Huff

First reading of an ordinance of the City of Bryan, Texas, prohibiting motor vehicle traffic from crossing the Union Pacific Railroad tracks on Pease Street; providing for a penalty; and providing for publication. ([Plan A](#)) ([Plan B](#))

o. First Reading of an Ordinance – [Sims Street Railroad Crossing Closure](#) – Linda Huff

First reading of an ordinance of the City of Bryan, Texas, prohibiting motor vehicle traffic from crossing the Union Pacific Railroad tracks on Sims Street; providing for a penalty; and providing for publication. ([Plan A](#)) ([Plan B](#))

p. Discussion and Consideration - [Boards and Committees - Open Meetings](#) – Mayor Wentreck

Discussion and possible action regarding providing direction to City Council appointed boards, commissions and committees, including Council subcommittees, to post notices (agendas) of all meetings and conduct meetings in public, unless an exception under the Texas Open Meetings Act would allow for an executive session to be held on a particular agenda item, for those bodies subject to the Act.

14. COUNCIL COMMITTEE REPORTS

Intergovernmental Committee Meeting and Retreat – Councilmember Bradley

15. CITY MANAGER'S REPORT AND COUNCIL CONCERNS

Staff recognition, upcoming meetings and events, reports on attendance at meetings and events, future Council agenda items.

16. ADJOURN

FOR INFORMATION ON SIGN LANGUAGE INTERPRETATION, TDD OR OTHER TRANSLATION OR ACCESSIBILITY INFORMATION, PLEASE CONTACT THE PUBLIC INFORMATION OFFICER AT 209-5120. PLEASE TRY TO CONTACT THE ABOVE PERSON AT LEAST 48 HOURS BEFORE THE SCHEDULED TIME OF THE MEETING SO THAT YOUR REQUEST MAY BE ACCOMMODATED.